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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/919,279	07/31/2001	Raymond Anthony Joao	RJ216	4075

7590 08/28/2003

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EXAMINER

TRAN, DALENA

ART UNIT	PAPER NUMBER
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3661

DATE MAILED: 08/28/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/919,279

Applicant(s)

JOAO, RAYMOND ANTHONY

Examiner

Dalena Tran

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 June 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,11,21-27 and 29-39 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,11,21-27 and 29-39 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

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DETAILED ACTION

Notice to Applicant(s)

1. This office action is responsive to the amendment filed on 6/5/03. As per request, claims 1, and 11 have been amended, claim 28 has been cancelled, and claim 39 has been added. Thus, claims 1, 11, 21-27, and 29-39 are pending.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1,11,21-26,28, and 31, are rejected under 35 U.S.C.103(a) as being unpatentable over Kirkevold et al. (6,263,322) in view of Razavi et al. (6,362,730).

As per claim 1, Kirkevold et al. disclose an apparatus for processing vehicle information and / or vehicle maintenance information, comprising: a memory device for storing at least one of vehicle diagnostic information, vehicle repair information, vehicle maintenance information, and vehicle servicing information (see the abstract; columns 4-5, lines 25-46; and columns 8-9, lines 13-40), a processing device, wherein the processing device is located at a location remote from the vehicle and remote from the communication device, wherein the processing device processes the request for information regarding at least one of vehicle problem, a vehicle malfunction, and a vehicle state of disrepair, utilizing the at least one of vehicle diagnostic information, vehicle repair information, vehicle maintenance information, and vehicle servicing

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information, wherein the processing device generates at least one of diagnostic report, a repair report, a maintenance report, and a servicing report in respond to the request for information (see columns 9-10, lines 43-33; columns 10-12, lines 66-5; and columns 17-18, lines 35-13).

Kirkevold et al. do not disclose a receiver and transmitter. However, Razavi et al. disclose a receiver for receiving a request for information regarding at least one of a vehicle problem, a vehicle malfunction, and a vehicle state of disrepair, regarding a vehicle, wherein the request for information is transmitted to the receiver from a communication device, wherein the communication device is located at a location remote from the vehicle and remote from the apparatus, and further wherein the request for information is transmitted to the receiver on or over at least one of the Internet and the World Wide Web, and a transmitter for transmitting at least one of a diagnostic report, a repair report, a maintenance report, and a servicing report to the communication device, wherein the at least one of a diagnostic report, a repair report, a maintenance report, and a servicing report, is transmitted to the communication device on or over at least one of the Internet and the World Wide Web (see the abstract; column 2, lines 9-59; and columns 6-7, lines 19-46). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teach of Kirkevold et al. by combining a receiver for receiving information regarding at least one of a vehicle problem, a vehicle malfunction, and a vehicle state of disrepair, regarding a vehicle, wherein the information is transmitted to the receiver from a communication device, wherein the communication device is located at a location remote from the vehicle, and a transmitter for transmitting at least one of a diagnostic report, a repair report, a maintenance report, and a servicing report to the communication device for wireless communication between a remote communication device and the vehicle.

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Claim 11, is method claims corresponding to apparatus claim 1 above. Therefore, it is rejected for the same rationales set forth as above.

As per claim 21, Kirkevold et al. disclose processing device processes information regarding at least one of a subsequent repair, a maintenance procedure, and a servicing procedure, and further wherein the processing device stores information regarding at least one of a subsequent repair, a maintenance procedure, and a servicing procedure in the memory device (see columns 10-12, lines 33-5).

As per claim 22, Kirkevold et al. disclose memory device contains information regarding at least one of a single vehicle and a plurality of vehicles (see column 12, lines 6-54).

As per claim 23, Kirkevold et al. disclose the communication device is at least one of a personal computer, a home computer, a server computer, a network computer, a hand-held computer, a palmtop computer, a laptop computer, a personal communication device, a personal digital assistant, a telephone, a digital telephone, a display telephone, a video telephone, a videophone, a 3G telephone, a television, an interactive television, an beeper, a pager, and a watch (see columns 2-3, lines 59-67; and columns 4-5, lines 55-33).

As per claim 24, Kirkevold et al. disclose the memory device comprises a comprehensive vehicle maintenance database (see columns 4-9, lines 25-39).

As per claims 25-26, Kirkevold et al. disclose the processing device generates at least one of a maintenance reminder message and a service reminder message, wherein the at least one of a maintenance reminder message and a service reminder message is transmitted to the communication device (see column 17, lines 9-34).

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As per claim 39, Razavi et al. disclose apparatus is utilized in conjunction with at least one of a communication network, a wireless communication network, the Internet, and the World Wide Web (see columns 4-5, lines 48-64).

4. Claim 27, is rejected under 35 U.S.C.103(a) as being unpatentable over Kirkevold et al. (6,263,322), and Razavi et al. (6,362,730) as applied to claim 1 above, and further in view of Neely et al. (4,602,127).

As per claim 27, Kirkevold et al., and Razavi et al. do not disclose upload vehicle information. However, Neely et al. disclose the apparatus transmits a signal to at least one of a vehicle computer and a vehicle electronic command computer, and apparatus uploads vehicle information from at least one of a vehicle computer and a vehicle electronic command computer (see the abstract; columns 2-3, lines 13-19; columns 3-4, lines 38-59; columns 5-6, lines 4-69; and columns 9-11, lines 58-66). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teach of Kirkevold et al. by combining the apparatus transmits a signal to at least one of a vehicle computer and a vehicle electronic command computer, and apparatus uploads vehicle information from at least one of a vehicle computer and a vehicle electronic command computer for collecting the parameter data of actual driving condition and subsequently transferring this data to a remote data processor for analysis.

5. Claim 29, is rejected under 35 U.S.C.103(a) as being unpatentable over Kirkevold et al. (6,263,322), and Razavi et al. (6,362,730), as applied to claim 1 above, and further in view of Rother (6,141,608).

As per claim 29, Kirkevold et al., and Razavi et al. do not disclose a feasibility of performing at least one a repair, a maintenance procedure, and a servicing procedure on the

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vehicle. However, Rother discloses the processing device determines a feasibility of performing at least one a repair, a maintenance procedure, and a servicing procedure on the vehicle (see columns 3-7, lines 33-14). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teach of Kirkevold et al. by combining the processing device determines a feasibility of performing at least one a repair, a maintenance procedure, and a servicing procedure on the vehicle for accurately determines drivability symptoms exhibited by vehicles, therefore the appropriate maintenance procedure can perform for the vehicle.

6. Claim 30, is rejected under 35 U.S.C.103(a) as being unpatentable over Kirkevold et al. (6,263,322), and Razavi et al. (6,362,730) as applied to claim 1 above, and further in view of Diaz et al. (6,356,822).

As per claim 30, Kirkevold et al., and Razavi et al. do not disclose vehicle service providers. However, Diaz et al. disclose the memory device stores information regarding at least one of vehicle service providers, a provider of specialized services, vehicle parts providers, vehicle equipment providers, vehicle component providers, and vehicle accessory providers (see columns 9-11, lines 33-10), wherein the receiver receives a request for at least one of vehicle service providers, a provider of specialized services, vehicle parts providers, vehicle equipment providers, vehicle component providers, and vehicle accessory providers (see columns 6-8, lines 8-35), wherein the processing device processes the request utilizing the information regarding the at least one of vehicle service providers, a provider of specialized services, vehicle parts providers, vehicle equipment providers, vehicle component providers, and vehicle accessory providers (see columns 2-3, lines 18-7), wherein the processing device generates at least one of a second message to provide information to a user and a third message to provide information to a

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provider and further wherein the transmitter for transmitting at least one of the second message to the communication device and the third message to a second communication device associated with a provider (see columns 11-13, lines 11-8). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teach of Kirkevold et al., and Razavi et al. by combining the memory device stores information regarding at least one of vehicle service providers, a provider of specialized services, vehicle parts providers, vehicle equipment providers, vehicle component providers, and vehicle accessory providers to provide information for and about the vehicle's operation status and coordinating the vehicle's activities.

7. Claims 32, and 33, are method claims corresponding to apparatus claims 23, and 25 above. Therefore, they are rejected for the same rationales set forth as above.

Claims 34-35, are method claims corresponding to apparatus claims 26-27 above. Therefore, they are rejected for the same rationales set forth as above.

Claim 36 is method claim corresponding to apparatus claim 29 above. Therefore, it is rejected for the same rationales set forth as above.

Claims 37-38, are method claims corresponding to apparatus claim 30 above. Therefore, they are rejected for the same rationales set forth as above.

Remarks

8. Applicant's argument filed on 6/5/03 has been fully considered and they are deemed to be persuasive. However, upon updated search, the new ground of rejection has been set forth as above.

Applicant's argument on pages 9-10, and 12-13, that references cited do not teach claims 1 and 11. However, as cited in item 3 above, Kirkevold et al., and Razavi et al. teach claims 1

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and 11 as above; a memory device for storing at least one of vehicle diagnostic information, vehicle repair information, vehicle maintenance information, and vehicle servicing information (see the abstract; columns 4-5, lines 25-46; and columns 8-9, lines 13-40), a processing device, wherein the processing device is located at a location remote from the vehicle and remote from the communication device, wherein the processing device processes the request for information regarding at least one of vehicle problem, a vehicle malfunction, and a vehicle state of disrepair, utilizing the at least one of vehicle diagnostic information, vehicle repair information, vehicle maintenance information, and vehicle servicing information, wherein the processing device generates at least one of diagnostic report, a repair report, a maintenance report, and a servicing report in respond to the request for information (see columns 9-10, lines 43-33; columns 10-12, lines 66-5; and columns 17-18, lines 35-13); and the new cited references Razavi et al. teach the new added of the amendment, a receiver for receiving a request for information regarding at least one of a vehicle problem, a vehicle malfunction, and a vehicle state of disrepair, regarding a vehicle, wherein the request for information is transmitted to the receiver from a communication device, wherein the communication device is located at a location remote from the vehicle and remote from the apparatus, and further wherein the request for information is transmitted to the receiver on or over at least one of the Internet and the World Wide Web, and a transmitter for transmitting at least one of a diagnostic report, a repair report, a maintenance report, and a servicing report to the communication device, wherein the at least one of a diagnostic report, a repair report, a maintenance report, and a servicing report, is transmitted to the communication device on or over at least one of the Internet and the World Wide Web (see the abstract; column 2, lines 9-59; and columns 6-7, lines 19-46).

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Examiner maintains that all the references cited meet the language of the claims invention. Therefore, the rejection under 35 U.S.C.103(a) are considered to be proper.

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136 (a).

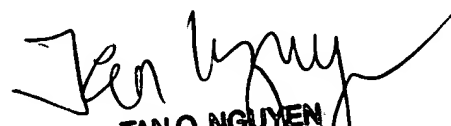
A shorten statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE MONTHS** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136 (a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dalena Tran whose telephone number is 703-308-8223. The examiner can normally be reached on M-F (7:30 AM-5:30 PM), off every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Cuchlinski can be reached on 703-308-3873. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-7687 for regular communications and 703-305-7687 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

/dt
August 20, 2003


TAN Q. NGUYEN
PRIMARY EXAMINER